

Notice of Allowability

Application No.

10/785,328

Examiner

Jacques Veillard

Applicant(s)

GALINDO-LEGARIA ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/7/2005.
2. ☒ The allowed claim(s) is/are 33-36 and 38. Renumbered as claims 1-5.
3. ☒ The drawings filed on 24 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 2100

DETAILED ACTION

1. This action is responsive to the Applicant's amendment filed on 7/7/2005.
2. Claims 1-32, 37, and 39-43 have been canceled.
3. Claims 33-36, and 38 are pending and presented for examination.

Drawings

4. The drawings filed on February 24, 2004 are approved as to the merits.

Allowable Subject Matter

5. Claims 33-36, and 38 are allowed over the prior of record.
6. The following is an examiner's statement of reasons for allowance: Applicant's particular disclosure system for validating multiple alternative execution plans for a single database query in a database management environment comprising a ranking module for ranking the operators in the groups and for unranking the operators so as to construct a plurality of different execution plans for a query, wherein each execution plan is assigned a unique global rank, based on operator rank data, that identifies one respective execution plan from all other possible execution plans as embodied in independent claim 33, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record (PTO 1449 and 892).

The dependent claims 34-36, and 38, being further limiting to the independent claim 33, definite and enabled by the specification are also allowed.

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The closest prior art Graefe et al.(U. S. Pat. No. 5,822,747) disclose a system for optimizing a database query by providing a search engine and database implementor that determines an optional plan for executing a SQL query, wherein the query is represented as query tree consisting of a number of nested expressions. Graefe et al. Did not implicitly disclose “a ranking module for ranking the operators in the groups and for unranking the operators so as to construct a plurality of different execution plans for a query, wherein each execution plan is assigned a unique global rank, based on operator rank data, that identifies one respective execution plan from all other possible execution plans.” The closest prior fails to anticipate or render Applicant’s limitations above obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.V

Jacques Veillard
Patent Examiner TC 2100

July 27, 2005